

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

MILSTEAD & ASSOCIATES, LLC

By: Andrew M. Lubin

Atty. ID: AL0814

1 E. Stow Road

Marlton, NJ 08053

(856) 482-1400

File No. 226472-11

Attorneys for Secured Creditor: Wilmington Trust, NA,
successor trustee to Citibank, N.A., as Trustee f/b/o holders
of Structured Asset Mortgage Investments II Inc., Bear
Stearns ALT-A Trust 2007-2, Mortgage Pass-Through
Certificates, Series 2007-2

In Re:

James A. Gilmartin

Case No.: 19-23492-SLM
Chapter 13

Hearing Date: February 26, 2020
Time: 8:30 a.m.

Judge: Stacey L. Meisel

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

Wilmington Trust, NA, successor trustee to Citibank, N.A., as Trustee f/b/o holders of Structured Asset Mortgage Investments II Inc., Bear Stearns ALT-A Trust 2007-2, Mortgage Pass-Through Certificates, Series 2007-2 (“Secured Creditor”), by its counsel, Andrew M. Lubin, Esquire, of MILSTEAD & ASSOCIATES, LLC, states the following grounds as an Objection to Confirmation of Debtor’s Chapter 13 Plan:

1. On July 16, 2019, Debtor, James A. Gilmartin filed a petition pursuant to Chapter 13 of Title 11 of the United States Code in the United States Bankruptcy Court for the District of New Jersey.
2. Secured Creditor is the holder of a first mortgage on real property owned by the Debtor known as and located at 131 Rock Road, Glen Rock, NJ 07452 (the “Property”).
3. Secured Creditor has not yet filed its Proof of Claim in this matter, but anticipates doing so shortly. As such, Secured Creditor reserves the right to supplement this objection.

4. As will be more fully set forth in the aforementioned proof of claim, as of the date of the filing of the instant Chapter 13 petition, total arrears due to Secured Creditor through the Plan at this time are anticipated to be approximately \$161,543.25.

5. Debtor's Chapter 13 Plan proposes a sale of the property.

6. Secured Creditor objects to receiving less than a full payoff of its loan at the time of the sale of the property, unless a short sale has been approved in writing.

7. Secured Creditor objects in the event that Debtor is not current with adequate protection payments at the time of the confirmation hearing.

8. Secured Creditor objects if the Debtor has not filed an application to appoint a realtor by the time of the confirmation hearing.

9. Secured Creditor objects in the event that Debtor is not current with adequate protection payments at the time of the confirmation hearing.

WHEREFORE, Secured Creditor respectfully requests that the Court deny confirmation of the Chapter 13 Plan for the reasons hereinabove set forth.

Respectfully submitted
MILSTEAD & ASSOCIATES, LLC

DATED: January 3, 2020

/s/Andrew M. Lubin
Andrew M. Lubin, Esquire
Attorney ID No. AL0814
1 E. Stow Road
Marlton, NJ 08053
(856) 482-1400
Attorneys for Secured Creditor

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NA, successor trustee to Citibank, N.A., as Trustee

f/b/o holders of Structured Asset Mortgage

Investments II Inc., Bear Stearns ALT-A Trust 2007-2,

Mortgage Pass-Through Certificates, Series 2007-2

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CERTIFICATION OF SERVICE

1. I, Andrew M. Lubin, Esquire:

represent the Secured Creditor in the above-captioned matter.

am the secretary/paralegal for _____, who represents the
_____ in the above captioned matter.

am the _____ in the above case and am representing myself.

2. On January 3, 2020, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

Objection to Confirmation of Chapter 13 Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

DATED: January 3, 2020

/s/ Andrew M. Lubin

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Marie-Ann Greenberg Chapter 13 Trustee 30 Two Bridges Road Suite 330 Fairfield, New Jersey 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
John P. Fazzio 164 Franklin Turnpike Mahwah, NJ 07430	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
James A. Gilmartin 131 Rock Road Glen Rock, NJ 07452	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.